

82-1843

No.

Office: Supreme Court, U.S.
F I L E D
MAY 11 1983
ALEXANDER SILVAS, Clerk

IN THE SUPREME COURT OF THE
UNITED STATES

October Term, 1982

KENNETH A. MERENA,

Petitioner

v.

NORMAN SATO, individually and
in his capacity as Building
Inspector for the City and County of
Honolulu; and BUILDING DEPARTMENT FOR
THE CITY AND COUNTY OF HONOLULU,

Respondents

Petition For Writ of Certiorari
to the United States Court
of Appeals for the Ninth Circuit

Petitioner for Certiorari - Civil Case

SCHWEIGERT & ASSOCIATES

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Honolulu, Hawaii 96813
Telephone: (808) 533-7491

QUESTION PRESENTED FOR REVIEW

Whether, under the Federal Rules of Civil Procedure, a factual recitation in a complaint gives notice of all legal theories whether mentioned or not arising from those facts.

LIST OF PARTIES AFFECTED

Except for the persons listed in the caption, there are no other parties affected by this case.

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Respondents

Petition For Writ of Certiorari
to the United States Court
of Appeals for the Ninth Circuit

To the Honorable Chief Justice and
Associate Justices of the Supreme Court
of the United States:

Your Petitioner, KENNETH A. MERENA,
respectfully prays that a Writ of Certio-
rari be issued to review the decision of

the United States Court of Appeals for the Ninth Circuit in the above case.

OPINIONS BELOW

The decision of the United States Court of Appeals for the Ninth Circuit is attached to this Petition as Appendix A. That decision was a memorandum opinion and affirmed the judgment of the District Court for the District of Hawaii, which was unpublished, and is attached hereto as Appendix B.

JURISDICTION

The opinion of the court below (Appendix A) was entered on February 10, 1983. The final judgment was entered March 14, 1983 (Appendix C). Rehearing was not sought.

The jurisdiction of this Court is sought pursuant to Rule 28 USC §1254(1).

RULES INVOLVED

Rule 8(a), Federal Rules of Civil Procedure, reads in pertinent part as follows:

Rule 8. General Rules of Pleading.

(a) Claims for Relief. A pleading which sets forth a claim for relief, whether an original claim, counter-claim, cross-claim, or third-party claim, shall contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, unless the court already has jurisdiction and the claim needs no new grounds of jurisdiction to support it, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief to which he deems himself entitled. Relief in the alternative or of several different types may be demanded. (Emphasis added)

Rule 8(e), Federal Rules of Civil Procedure, reads as follows:

(e) Pleading to be Concise and Direct; Consistency.

(1) Each averment of a pleading shall be simple, concise, and direct. No technical forms of pleading or motions are required.

Rule 8(f), Federal Rules of Civil Procedure, reads as follows:

(f) Construction of Pleadings. All pleadings shall be so construed as to do substantial justice. (Emphasis added)

STATEMENT OF THE CASE

1. Plaintiff Kenneth A. Merena and Defendant Norman Sato are residents of the City and County of Honolulu, State of Hawaii and the Building Department of the City and County of Honolulu is part of a municipal corporation established under the laws of the State of Hawaii.

2. On April 11, 1978, City Building Inspector Norman Sato, as a result of a complaint, inspected the premises of 1234 Wilder Avenue, and observed a political sign on the premises.

3. Inspector Sato subsequently called the owner of the property who informed Sato that a tenant named Kenneth Merena was responsible for the sign.

4. Inspector Sato then telephoned Kenneth Merena, and the ownership, erection and maintenance of the sign was discussed. Inspector Sato was advised by Petitioner Merena that Merena believed the sign was constitutionally protected and that said Petitioner would resist any criminal charges in Court.

5. On the basis of that discussion with the Petitioner, plus the fact that the Petitioner had previously erected a political sign, a notice of violation was sent to him by Sato on April 12, 1978.

6. Thereafter a penal summons was issued charging the Petitioner with violation of Section 21-223(e) of the Comprehensive Zoning Code on April 19, 1978. The Ordinance reads in pertinent part as follows:

Prohibited Signs. It shall be unlawful to erect or maintain ... any political campaign sign, including poster, banner, writing, picture, painting,

light, model, display, emblem, notice, illustration, insignia, symbol and any other advertising device the purpose of which is to announce the candidacy of any person or persons seeking public elected office or offices, when such sign is displayed out of doors.

7. On July 20, 1978, the Petitioner was acquitted.

8. Thereafter, on August 11, 1978, Petitioner filed a verified complaint in the United States District Court for the District of Hawaii under 42 USC §1983 based on the above facts.

9. As to a First Amendment claim, the Verified Complaint filed in this matter alleged as follows:

At paragraph 7:*

On or about April 11, 1978, Defendant Sato inspected the premises located at 1234 Wilder Avenue for possible violations of the Comprehensive Zoning Code (hereinafter "CZC") for the City

* The entire Verified Complaint filed in this case is attached hereto as Appendix D.

and County of Honolulu. More specifically, Defendant Sato was investigating placement of a political sign sponsoring Chuck Norwood placed in the front yard of the premises located at 1234 Wilder which constituted a violation of §21-223(e), CZC. The sign read as follows:

V		C
O	CHUCK	O
T	NORWOOD	C
E		O
		N

At paragraph 8:

At the time of inspection, Defendant Sato was Building Inspector with the Defendant Building Department.

* * *

At paragraph 11:

Furthermore, in the matter at bar, there was no violation of law for to violate §21-223(e), CZC, a political sign must remain on the premises five (5) days after Notice of Violation has been given. (See, §21-228, CZC). Notwithstanding, the sign was removed from the 1234 Wilder premises within two (2) days after the Notice of Violation was sent by Defendant Sato. The date of such removal is therefore estimated to be April 13, 1978.

At paragraph 12:

In spite of this, Defendant Sato swore out a criminal complaint on April 19, 1978, several days after the

sign has been removed from the 1234 Wilder premises. This complaint went unopposed by Defendant Building Department.

At paragraph 13:

Consequently, the Plaintiff was forced to appear in Criminal Court on July 28, 1978, and answer the charges against him. At the trial that day, all charges for alleged violations of the CZA were dismissed for reasons enumerated above.

10. It should be noted that out of an abundance of caution Petitioner moved the Court to make his First Amendment claim abundantly clear, vis-a-vis amendment of the complaint; however, on July 3, 1980, Magistrate Thomas P. Young denied Petitioner's motion.

11. Moreover, on September 3, 1980, Judge Samuel P. King affirmed the July 3, 1980 Magistrate's decision.

12. Based on this, the District Court ruled in part as follows:

That the Court finds that Plaintiff Merena's Complaint does not give notice that First Amendment issues may be raised and that Plaintiff Merena

was not allowed to raise such issues at this trial. (Conclusion of Law No. 6, Appendix B)

13. The Ninth Circuit Court of Appeals affirmed this decision.

EXISTENCE OF JURISDICTION BELOW

The action was originally brought in Federal Court under 28 USC §1343(a)(3). Thereafter an appeal was properly noticed to the Ninth Circuit Court pursuant to 28 USC §1291.

REASONS FOR GRANTING THE WRIT

If the Ninth Circuit decision is allowed to stand, notice pleading as set forth under the Federal Rules of Civil Procedure no longer exists. This is not supposed to be the case, for ...

The rule of interpreting a complaint is clear.

The Federal Rules have done away with the narrow theory of the pleadings doctrine ... Under the Federal

Rules, on the other hand, a party is not required to pick and stick to one theory of law ... only facts as established in the case and not to find out when he gets to trial he has chosen the wrong one. 2A Moores Federal Practice, Paragraph 8.14 at page 1713-1714 (1974)

Moreover, as this Honorable Court has said, the Federal Rules in fact were designed to do away with the earlier Federal approach by which pleading was considered a game of skill in which one misstep by counsel could be decisive to the outcome.

As stated in Conley v. Gibson, 355 US 40, 48 (1957),

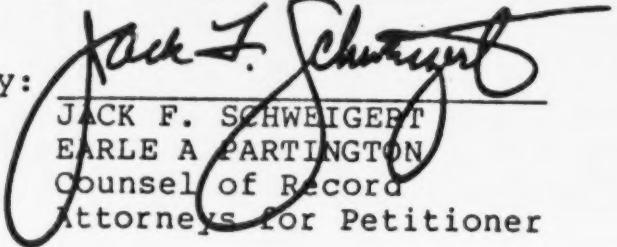
The purpose of "notice pleading" under the new Federal Rules is to assure a proper decision on the merits of one's case and not lose it to some technicality.

CONCLUSION

For the Foregoing reasons, this Petition For Writ of Certiorari should be Granted.

DATED: May 9th, 1983, at Honolulu, Hawaii.

Respectfully submitted,

By: 

JACK F. SCHWEIGER
EARLE A PARTINGTON
Counsel of Record
Attorneys for Petitioner

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH DISTRICT

KENNETH A. MERENA,)	
)	
Plaintiff-	)	No. 82-4045
Appellant,)	
	)	D.C. No. Civ.
vs.	)	78-0299
)	
NORMAN SATO, indi-	)	MEMORANDUM
vidually and in his)	
capacity as Building)	
Inspector for the)	
City and County of)	
Honolulu; and)	
BUILDING DEPARTMENT)	
FOR THE CITY AND)	
COUNTY OF HONOLULU,)	
)	
Defendants-)	
Appellees.)	
)	

Appeal from the United States District Court
for the District of Hawaii
The Honorable Samuel P. King, Presiding
Submitted - October 28, 1982*

Before: WALLACE, KENNEDY and HUG,
Circuit Judges.

* The panel is unanimously of the opinion
that oral argument is not required in
this case. Fed. R. App. P.34(a).

In this action under 42 U.S.C. §1983, the district court entered judgment in favor of Sato and the Honolulu Building Department after trial on stipulated facts. On appeal, Merena argues that the district court erred by (1) construing his complaint to allege only violations of the fourth and fourteenth amendments, and not the first amendment, and (2) refusing leave to amend the complaint to allege a claim based on the first amendment.

The district court did not err in finding that Merena's complaint, read as a whole and viewed broadly and liberally, Ostrofe v. H.S. Crocker Co., 670 F.2d 1378, 1381 (9th Cir. 1982), did not state a first amendment claim. Merena argues that alleging the criminal charges stemmed from the placement of a political sign constitutes notice of a first amendment claim. This, however, was not suffi-

cient to notify appellees that Merena intended to seek recovery under a first amendment theory.

Refusing to allow Merena to amend his complaint, almost two years after it was filed and after substantial pretrial activity had occurred, was not an abuse of discretion. See Foman v. Davis, 371 U.S. 178, 182 (1962).

The judgment is AFFIRMED.

Filed February 10, 1983

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

KENNETH A. MERENA,) CIVIL NO. 78-0299
)
Plaintiff,) FINDINGS OF FACT
) AND CONCLUSIONS
vs.) OF LAW
)
NORMAN SATO, indi-)
vidually and in his)
capacity as Building)
Inspector for the)
City and County of)
Honolulu; and)
BUILDING DEPARTMENT)
FOR THE CITY AND)
COUNTY OF HONOLULU,)
)
Defendants.)
)

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

The above-captioned case having come to trial by stipulated facts submitted to the Court on April 30, 1981 for trial without a jury and the parties having the opportunity to make oral arguments, the Court makes the following findings of facts and conclusions of law,

APPENDIX B

FINDINGS OF FACT

1. Plaintiff Kenneth A. Merena and Defendant Norman Sato are residents of the City and County of Honolulu, State of Hawaii and that the Building Department of the City and County of Honolulu is part of a municipal corporation established under the laws of the State of Hawaii.
2. That on April 11, 1978, City Building Inspector Norman Sato as a result of a complaint inspected the premises of 1234 Wilder Avenue, and observed a political sign on the premises.
3. That Inspector Sato subsequently called the owner of the property who informed Sato that a tenant named Kenneth Merena was responsible for the sign.
4. That Inspector Sato then telephoned Kenneth Merena and the ownership, erection, and maintenance of the sign was discussed, the Inspector Sato learned

that Merena put up the sign, and desired to challenge the ordinance in Court.

5. On the basis of that discussion with Kenneth Merena, plus the fact that Merena had previously erected a political sign, a notice of violation was sent to Merena by Sato on April 12, 1978.

6. That a penal summons was signed by Sato charging Merena with violation of Section 21-223(e) of the Comprehensive Zoning Code on April 19, 1978.

7. That when the penal summons was issued, the political sign had been removed.

8. That on July 20, 1978, Judge Bertram T. Kanbara dismissed the criminal charge against Kenneth Merena.

9. That on July 3, 1980, Magistrate Thomas P. Young denied Plaintiff's Motion to Amend the Complaint.

10. That on September 3, 1980, Judge Samuel P. King affirmed the July 3, 1980

Magistrate's decision denying Plaintiff's Motion to Amend Complaint.

CONCLUSIONS OF LAW

1. That based upon the facts presented, Building Inspector Sato had probable cause to issue the notice of violation.
2. That a violation of the Comprehensive Zoning Code was committed upon the erection and maintaining of the prohibited sign and Section 21-228 of the Comprehensive Zoning Code does not give a five-day grace period before which a prosecution can be commenced.
3. The prosecution of the violation was based upon probable cause and there was no evidence that the prosecution was inviolous, arbitrary or discriminatory towards Plaintiff Merena.
4. That Plaintiff Merena has failed to prove by a preponderance of evidence that

the actions of Building Inspector Sato and the City violated the Plaintiff's civil rights, and the Defendants are not liable for any injuries sustained by Plaintiff.

5. That the dismissal of the criminal case is not dispositive of the issues in the present action.

6. That the Court finds that Plaintiff Merena's Complaint does not give notice that First Amendment issues may be raised and that Plaintiff Merena was not allowed to raise such issues at this trial.

7. That the Court finds that Judge Samuel P. King was correct in denying Plaintiff's Motion to Amend Complaint and that ruling disposed of this question.

DATED: Honolulu, Hawaii,
November 2, 1981

Walter M. Heen
United States District Judge

Filed November 5, 1981

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

KENNETH A. MERENA,) CIVIL NO. 78-0299
)
Plaintiff,) JUDGMENT
)
vs.)
)
NORMAN SATO, indi-)
vidually and in his)
capacity as Building)
Inspector for the)
City and County of)
Honolulu; and)
BUILDING DEPARTMENT)
FOR THE CITY AND)
COUNTY OF HONOLULU,)
)
Defendants.)

)

JUDGMENT

This action came on for trial before the Court, Honorable Walter M. Heen, United States District Judge, presiding, and the issues having been duly tried and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that judgment be entered in favor of Defendants.

DATED: Honolulu, Hawaii,
December 29, 1981

Samuel P. King
United States District Judge

Filed December 30, 1981

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH DISTRICT

KENNETH A. MERENA,)
)
Plaintiff-) No. 82-4045
Appellant,)
)
) DC #Cv78-0299 SPK
vs.)
)
NORMAN SATO, individ-)
ually and in his)
capacity as Building)
Inspector for the)
City and County of)
Honolulu; and)
BUILDING DEPARTMENT)
FOR THE CITY AND)
COUNTY OF HONOLULU,)
)
Defendants-)
Appellees.)
)

APPEAL from the United States District
Court for the District of Hawaii (Hon-
olulu).

THIS CAUSE came on to be heard on the
Transcript of the Record from the United
States District Court for the District of
Hawaii (Honolulu) and was duly submitted.

ON CONSIDERATION WHEREOF, It is now
here ordered and adjudged by this Court,
that the judgment of the said district
Court in this Cause be, and hereby is
affirmed.

Filed and entered February 10, 1983

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH DISTRICT

KENNETH A. MERENA,)
Plaintiff-) No. 82-4045
Appellant,)
vs.) D.C. No. Civil
) 78-0299
NORMAN SATO, individually and in his) MEMORANDUM
capacity as Building)
Inspector for the)
City and County of)
Honolulu; and)
BUILDING DEPARTMENT)
FOR THE CITY AND)
COUNTY OF HONOLULU,)
Defendants-)
Appellees.)

Submitted - October 28, 1982*

Decided - February 10, 1983

Appeal from the United States District Court
for the District of Hawaii
The Honorable Samuel P. King, Presiding

Before: WALLACE, KENNEDY and HUG
Circuit Judges.

* The panel is unanimously of the opinion
that oral argument is not required in
this case. Fed. R. App. P.34(a).

In this action under 42 U.S.C. §1983, the district court entered judgment in favor of Sato and the Honolulu Building Department after trial on stipulated facts. On appeal, Merena argues that the district court erred by (1) construing his complaint to allege only violations of the fourth and fourteenth amendments, and not the first amendment, and (2) refusing leave to amend the complaint to allege a claim based on the first amendment.

The district court did not err in finding that Merena's complaint, read as a whole and viewed broadly and liberally, Ostrofe v. H.S. Crocker Co., 670 F.2d 1378, 1381 (9th Cir. 1982), did not state a first amendment claim. Merena argues that alleging the criminal charges stemmed from the placement of a political sign constitutes notice of a first amendment claim. This, however, was not suffi-

cient to notify appellees that Merena intended to seek recovery under a first amendment history.

Refusing to allow Merena to amend his complaint, almost two years after it was filed and after substantial pretrial activity had occurred, was not an abuse of discretion. See Foman v. Davis, 371 U.S. 178, 182 (1962).

The judgment is AFFIRMED.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

KENNETH A. MERENA,	)	CIVIL NO.
	)	78-0299
Plaintiff,	)	VERIFIED
vs.	)	COMPLAINT;
NORMAN SATO, individually	)	DEMAND JURY
and in his capacity as	)	TRIAL;
Building Inspector for	)	SUMMONS
the City and County of)	
Honolulu; and BUILDING)	
DEPARTMENT FOR THE CITY)	
AND COUNTY OF HONOLULU,)	
Defendants.)	
)	

VERIFIED COMPLAINT

Comes now KENNETH A. MERENA, Plaintiff above-named, by and through his attorneys, JOHN F. SCHWEIGERT and PETER KENT, and for cause of action against NORMAN SATO, and the BUILDING DEPARTMENT FOR THE CITY AND COUNTY OF HONOLULU, Defendants above-named, alleges and avers as follows:

I. PARTIES

1. Plaintiff KENNETH A. MERENA (hereinafter "Merena") is a citizen of the United States of America and a resident of the City and County of Honolulu, State of Hawaii.

2. Defendant NORMAN SATO (hereinafter "Sato") is now and at all times relevant hereto, has been a citizen of the United States and a resident of the City and County of Honolulu, State of Hawaii. Defendant Sato is also Building Inspector for the City and County of Honolulu, a municipal corporation and governmental subdivision of the State of Hawaii. Defendant Sato is being sued in both his individual and representative capacity as Building Inspector.

3. Defendant Building Department for the City and County of Honolulu (hereinafter "Building Department") is an agency under the Executive branch of

government for the City and County of Honolulu, State of Hawaii.

II. JURISDICTION AND VENUE

4. This action involves a deprivation of Plaintiff's rights guaranteed under the Constitution of the United States and 42 U.S.C. §1983.

5. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1343.

6. Furthermore, all of the acts complained of in this matter occurred within the State of Hawaii making this Court proper for purposes of venue.

III. CAUSE OF ACTION

7. On or about April 11, 1978, Defendant Sato inspected the premises located at 1234 Wilder Avenue for possible violations of the Comprehensive Zoning Code (hereinafter "CZC") for the City and County of Honolulu. More specifically, Defendant Sato was investigating placement of a political sign

sponsoring Chuck Norwood placed in the front yard of the premises located at 1234 Wilder which constituted a violation of §21-223(e), C.Z.C. The sign read as follows:

V	CHUCK	C
O		O
T	NORWOOD	N
E		C
		O
		N

8. At the time of inspection, Defendant Sato was Building Inspector with the Defendant Building Department.

9. At the time of said violation, Plaintiff Merena rented the premises located at 1234(A) Wilder, this being the property located behind the property on which the sign was placed.

10. Furthermore, Plaintiff Merena never gave permission for Chuck Norwood, the maker of the sign, to so implace it there.

11. Furthermore, in the matter at bar, there was no violation of law for to violate §21-223(e), CZC, a political sign must remain on the premises five (5) days after Notice of Violation has been given. (See, §21-228, CZC). Notwithstanding, the sign was removed from the 1234 Wilder premises within two (2) days after the Notice of Violation was sent by Defendant Sato. The date of such removal is therefore estimated to be April 13, 1978.

12. In spite of this, Defendant Sato swore out a criminal complaint on April 19, 1978, several days after the sign had been removed from the 1234 Wilder premises. This complaint went unopposed by Defendant Building Department.

13. Consequently, the Plaintiff was forced to appear in Criminal Court on July 28, 1978, and answer the charges

against him. At the trial that day, all charges for alleged violations of the CZC were dismissed for reasons enumerated above.

14. It is Plaintiff's position that at the time of filing said Criminal Complaint, probable cause did not exist for the charges brought against him. Furthermore, based upon the oral testimony of Defendant Sato at the trial in this matter, said Defendant was in fact aware that this was so.

15. Because of such knowledge, Defendants' actions were done under color of law and in derogation of Plaintiff's rights guaranteed under the Fourth and Fourteenth Amendments to the United States Constitution, as well as under 42 U.S.C. §1983.

16. By reason of Defendant's actions, the Plaintiff had to employ legal counsel to defend him in this

matter and for which he incurred reasonable attorney's fees in the amount of Three Hundred Ninety and no/100ths Dollars (\$390).

17. By reason of Defendant's action, Plaintiff was unable to attend work as an ironworker and sustained damages for loss of earnings in the amount of Two Hundred Fifty and no/100ths Dollars (\$250).

18. By reason of Defendant's action, Plaintiff has incurred extreme humiliation, embarrassment and emotional trauma entitling him to general damages in the amount of Fifteen Thousand Four Hundred Fifty and no/100ths Dollars (\$15,450).

19. Furthermore, the acts, conduct and behavior of Defendants were done knowingly, intentionally and maliciously by reason of which Plaintiff is entitled

to punitive damages in an amount to be proven at trial.

WHEREFORE, Plaintiff prays that the Court enter judgment so as to:

1. Award Plaintiff general damages of \$15,450.00.

2. Award Plaintiff special damages of \$640.00.

3. Award Plaintiff punitive damages in the amount to be shown at trial.

4. Award Plaintiff reasonable costs and expenses of this action and such other and further relief as the Court may deem just.

DATED: Honolulu, Hawaii, August 11, 1978.

JOHN F. SCHWEIGERT
Attorney for
Plaintiff

VERIFICATION

Kenneth A. Merena, Plaintiff in the above entitled action, hereby certifies that he has read the foregoing Complaint, and believes the allegations contained therein are true to the best of his knowledge and belief.

KENNETH A. MERENA
Plaintiff

/s/Notary Public

DEMAND JURY TRIAL

Plaintiff, KENNETH A. MERENA, demands a trial by jury on all issues so triable in the above entitled action.

DATED: Honolulu, Hawaii, August 11, 1978.

JOHN F. SCHWEIGERT
Attorney for
Plaintiff

IN THE SUPREME COURT OF THE
UNITED STATES

October Term, 1982

KENNETH A. MERENA,
Petitioner

v.

NORMAN SATO, individually and
in his capacity as Building
Inspector for the City and County of
Honolulu; and BUILDING DEPARTMENT FOR
THE CITY AND COUNTY OF HONOLULU,

Respondents

Petition For Writ of Certiorari
to the United States Court
of Appeals for the Ninth Circuit

Proof of Service - Certificate
By Bar Member

JACK F. SCHWEIGERT #1560
250 South Hotel Street
2nd Floor, Suite 200
Honolulu, Hawaii 96813
Telephone: (808)533-7491
Attorney for Petitioner

Proof of Service - Certificate
By Bar Member

I, JACK F. SCHWEIGERT, the attorney for KENNETH A. MERENA, Petitioner herein, and a member of the Bar of the Supreme Court of the United States, hereby certifies that, on the tenth day of May, 1983, I served copies of the foregoing Petition for Writ of Certiorari on the several parties thereto, as follows:

1. On NORMAN SATO, by leaving three copies thereof at the office of Gary Slovin, Esq., attorney for Respondent NORMAN SATO, at Corporation Counsel, City and County of Honolulu, Honolulu Hale, Honolulu, Hawaii, 96813.
2. On BUILDING DEPARTMENT FOR THE CITY AND COUNTY OF HONOLULU, Respondent herein, by delivering three copies to Gary Slovin, Esq., its attorney of record, as follows:

TO:

Gary Slovin, Esq.
Corporation Counsel
City and County of Honolulu
Honolulu Hale
Honolulu, Hawaii 96813

Jack F. Schweigert

JACK F. SCHWEIGERT #0660
350 South Hotel Street
2nd Floor, Suite 200
Honolulu, Hawaii 96813
Telephone: (808) 533-7491
Attorney for Petitioner